

REMARKS

Claims 1-15 were pending at the time of the Office Action. Claims 1 and 3-6 are amended. Claims 2 and 7 are cancelled without prejudice or disclaimer. No new matter is added. Accordingly, claims 1, 3-6 and 8-15 are pending in the application.

Claim Rejections Under 35 U.S.C. 112

On page 2 of the Office Action, claims 1-15 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding claim 1, the Examiner contended that “diameter-reduction processing is not defined by applicant and is not an art recognized term. Thus, one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.” (Office Action, page 2.)

Applicant respectfully traverses these contentions. However, to expedite issuance of this application as a patent, Applicant has amended claim 1 to recite features similar to features previously recited in now-cancelled claim 7. More particularly, amended claim 1 recites: “. . . performing diameter-reduction processing by at least one of drawing, extrusion, rolling, and forging; . . .” (Emphasis added.)

As such, it is believed that the Examiner’s rejection of claim 1 under 35 U.S.C. 112, second paragraph, is overcome.

Regarding claim 2, the Examiner stated:

. . . the claim is run together such that it is unclear what the relationship is between the non-catalyst material and a material not having a substantial catalytic function. The object of the phrase ‘of a columnar shape having said crystal growth surface as a top surface’ is unclear. Further, since Claim 2 recites the limitation as ‘said catalyst material having columnar shape’. There is insufficient antecedent basis for this limitation (columnar shape) in the claim. (Office Action, page 2.)

As noted above, claim 2 has been cancelled without prejudice or disclaimer. Further, claim 1 has been amended to recite features similar to some of the features previously recited

in now-cancelled claim 2. Further, claim 3 has been amended to recite features similar to others of the features previously recited in now-cancelled claim 2.

These amendments correspond to subject matter described, for example, in page 10, line 13, to page 11, line 10, of Applicant's specification. It is believed that such amendments address the statements made by the Examiner regarding claim 2.

For example, claim 1 recites: "... forming said catalyst base as a columnar body having said crystal growth surface at a first end surface of the columnar body and a non-crystal growth surface at a second end surface of the columnar body opposite the first end surface . . ." and "... disposing a non-catalyst material on said crystal growth surface and on at least a portion of a side surface of said catalyst material . . ."

As such, it is believed that the Examiner's concerns that were stated with regards to claim 2 have been addressed.

At least for the reasons explained, it is believed that claim 1 and its dependent claims 3-6 and 8-15 fully comply with the requirements of 35 U.S.C. 112, second paragraph.

Allowable Subject Matter

Applicant acknowledges, with appreciation, the indication on page 5 of the Office Action that claims 2-6 would be allowable "if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph . . . (by adding the limitations of Claim 7, for example)[.]" The Examiner also indicated: "For example the combination of the limitations of Claims 1, 7 and 2 may be recited in the same claim to provide allowable subject matter if rewritten to overcome the 112 rejections[.]"

As explained previously, claim 1 has been amended to recite features similar to some of the features previously recited in now-cancelled claim 2. As also explained previously, claim 1 has been amended to recite features similar to features previously recited in now-cancelled claim 7. Further, it is believed that the rejections under 35 U.S.C. 112, second paragraph, are overcome.

Various claims were rejected under 35 U.S.C. 102 or 35 U.S.C. 103 on pages 2-5 of the Office Action. While these rejections are respectfully traversed, Applicants have amended claim 1 according to the above-noted suggestions provided by the Examiner, in order to expedite issuance of this application as a patent.

At least because claim 1 now recites features similar to some of the features previously recited in now-cancelled claim 2, as well as features similar to features previously recited in now-cancelled claim 7, claim 1 is patentable over the cited references.

Claims 3-6 and 8-15 depend, either directly or indirectly, from claim 1. At least for this reason, claims 3-6 and 8-15 are patentable over the cited references.

Further, as explained previously, claim 3 has been amended to recite features similar to others of the features previously recited in now-cancelled claim 2. It is believed that these features further distinguish the claimed method from the cited references. Therefore, claim 3 is further patentable over the cited references.

Concluding Remarks

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

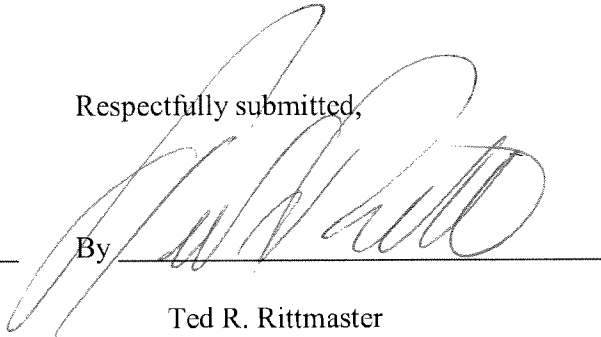
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

6/29/09

By



FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (213) 972-4594
Facsimile: (213) 486-0065

Ted R. Rittmaster
Attorney for Applicant
Registration No. 32,933